

ARGENTINA

a. SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
I. TERRITORIAL SEA	1869	Civil Code Article 2340	3nm	Repeated in Civil Code of 1929, Article 2374.
	Jan 67	Law No. 17,094 of Dec. 29, 1966	200nm	Freedom of navigation and overflight not affected beyond 12nm. This territorial sea claim, in excess of 12nm, was not recognized by the U.S. U.S. protested claim in 1967.
	Sep 91	Law No. 23,968 of Aug. 14, 1991	12nm	
II. ARCHIPELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	Jan 61	Joint declaration of Argentina and Uruguay		Agreement to limits of the Rio de la Plata as historic waters. This claim is not recognized by the U.S. U.S. protested claim in 1963.
	Jan 67	Law No. 17,094 of Dec. 29, 1966		Closing lines established for San Matias, Nuevo, and San Jorge Bays. See LIS No. 44 This claim is not recognized by the U.S. U.S. protested claim in 1967.
	Sep 91	Law No. 23,968 of Aug. 14, 1991		Straight baseline claim.
III. CONTIGUOUS ZONE	1869	Civil Code	12nm	Security and fiscal laws, repeated in Civil Code of 1929, article 2374.
	Nov 91	Law No. 23,968 of Aug. 14, 1991	24nm	
IV. CONTINENTAL SHELF	Oct 46	Decree No. 14,708		Claimed ownership of continental shelf and epicontinental sea; freedom of navigation not affected.
	Jan 67	Law No. 17,094	1958 DEF	
	Apr 75	Diplomatic Note	200nm/CM	Specifies regulations for marine scientific research.
	Sep 91	Law No. 23,968 of Aug. 14, 1991	200nm/CM	

TYPE	DATE	SOURCE	LIMITS	NOTES
V. FISHING ZONE/EEZ	Sep 07	Presidential Decree	10nm	Fishing zone.
	Oct 46	Decree No. 14,708		Epicontinental seas declared to be subject to sovereign powers of nation; freedom of navigation preserved.
	Jan 67	Decree No. 17,094	200nm	Subsumed under territorial sea claim.
	Oct 67	Law No. 17,500	200nm	Fishing zone.
	Sep 91	Law No. 23,968	200nm	EEZ.
VI. ENVIRONMENTAL REGULATION	Nov 58	Law No. 14,733		Prohibited the dumping of oily wastes over the continental shelf.
VII. MARITIME BOUNDARIES	1881	Agreement		Boundary agreement with Chile delimiting Tierra del Fuego and Straits of Magellan.
	Feb 74	Agreement		Maritime boundary agreement with Uruguay EIF. See LIS No. 64.
	May 85	Agreement		Agreement with Chile delimiting a boundary in and seaward of Beagle Channel EIF.
VIII. LOS CONVENTION	Oct 84			Signed with a declaration reserving its rights regarding the Falklands/Malvinas; the South Georgia Islands; and the South Sandwich Islands.
	Jul 94			Signed Part XI Agreement.
	Dec 95			Acceded.

c. MARITIME BOUNDARIES

1. HISTORIC WATERS AND BAY CLOSING LINE CLAIMS

As a result of a joint declaration with Uruguay in 1961 and Law No. 17,094 of 29 December 1966, Argentina claimed Rio de la Plata as historic waters and established bay closing lines (joining the capes that form their mouths) for San Matias, Nuevo, and San Jorge Bays. The following analysis of these claims is extracted from Limits in the Seas, No. 44, "Straight Baselines: Argentina," 10 August 1972:

The Rio de la Plata . . . does not fulfill the geographic requirements for a river in spite of its generic designation in Spanish. The Rio is an estuary or a type of geographic gulf or bay as a consequence of its configuration and dimensions. The closing line delimited in the declaration measures approximately 120 nautical miles from Punta del Este to Cabo San Antonio. Were the water body to be considered a juridical bay or estuary, the closing line would exceed the maximum length permitted by the Convention [1958 Convention on the Territorial Sea and Contiguous Zone]. In contrast, the Convention does not prescribe a maximum limit for a river closing line. The Plata estuary, however, does not conform to the geomorphic concepts of a river. As a result, the provisions of the Convention's Article 7 on historic bays would be presumed to apply. The first six paragraphs, at least, pertain to bays which belong to a single state. The final paragraph on historic bays presents a far more complicated situation.

Golfo Nuevo is a juridical bay within Article 7 of the Convention. The closing line measures approximately 9.5 nautical miles.

Golfo San Matias and Golfo San Jorge do not conform to the requirements of a juridical bay in that they cannot be closed by 24 nautical mile closing lines. They both, however, would meet the semi-circle criterion and could qualify as oversized bays. The closing line for San Matias measures approximately 65 nautical miles while that for San Jorge, 123 nautical miles. Evidence to support its status as an historic bay has not been uncovered.

Within the framework of Article 4 of the Convention on the Territorial Sea, the four bays form nearly isolated, albeit pronounced, indentations along a generally smooth coast.

[This analysis is based on the 1958 Convention on the Territorial Sea and the Contiguous Zone. The same results would be derived from an analysis under the international law reflected in the 1982 UN Convention on the Law of the Sea.]

MARITIME BOUNDARY: URUGUAY-ARGENTINA

Agreement Relating to the Delimitation of the River Plate and the Maritime Boundary Between Argentina and Uruguay, 1974, Excerpts

Chapter 1 Jurisdiction

Article 1

The Rio de la Plata extends from the parallel of Punta Gorda to an imaginary straight line joining Punta del Este (Uruguay) and Punta Rasa del Cabo San Antonio (Argentina), in conformity with the provisions of the Treaty on the Limits of the Uruguay River of April 7, 1961 and the Joint Declaration on the Outer Limit of the Rio de la Plata of January 30, 1961.

Article 2

A strip of exclusive jurisdiction adjacent to each Party's coast on the river is hereby established.

This coastal strip shall be seven nautical miles wide between the outer limit of the river and an imaginary straight line joining Colonia (Uruguay) and Punta Lara (Argentina) and two nautical miles wide from that line to the parallel of Punta Gorda. However, the outer limits of the strips shall be deflected as necessary in order that they will not overlap with the limits of channels located in waters of common use and so as to include port access channels.

Such limits shall not be less than 500 meters distant from the limits of channels located in waters of common use or more than 500 meters distant from the limits or mouths of port access channels.

Article 3

Outside the coastal strips, the jurisdiction of each Party shall apply to the Party's own flag vessels.

That jurisdiction shall also apply to third-country flag vessels involved in accidents with vessels of that Party.

The provisions of the first and second paragraphs notwithstanding, the jurisdiction of a Party shall apply in all cases involving its security or when unlawful acts are committed that may have an effect in its territory, irrespective of the flag of the vessel involved.

If the security of both Parties is involved, or if the unlawful act has an effect in both territories, the jurisdiction of the Party whose coastal strip is nearest to the place where the vessel is apprehended shall prevail.

Article 10

The Parties may use, under equal conditions and in any circumstances, the channels located in the waters of common use.

Article 11

In the waters of common use, navigation by public and private vessels of the countries of the Rio de la Plata basin and public and private third-flag merchant ships, shall be permitted without prejudice to rights previously granted the Parties under treaties in force. Moreover, each Party shall permit the passage of third-flag warships authorized by the other Party, provided such passage does not affect its order or security.

Article 41

Each party may explore and exploit the resources of the bed and subsoil of the river in the areas adjacent to their respective coasts up to a line determined by the following geographic points....

Points	South Latitude	West Longitude
9	34° 12' 0"	58° 15' 1"
10	34° 13' 3"	58° 12' 5"
11	34° 15' 2"	58° 10' 0"
12	34° 17' 7"	58° 05' 5"
13	34° 20' 0"	58° 03' 9"
14	34° 21' 7"	58° 01' 2"
15	34° 22' 8"	58° 00' 6"
16	34° 26' 6"	57° 56' 4"
17	34° 33' 0"	57° 56' 1"
18	34° 40' 0"	57° 57' 1"
19	34° 47' 0"	57° 32' 0"
20	34° 52' 0"	57° 20' 0"
21	35° 11' 0"	57° 00' 0"
22	35° 10' 3"	56° 43' 0"
23	35° 38' 0"	55° 52' 0"

Chapter XIV
Lateral Maritime Boundary
Article 70

The lateral maritime boundary and the continental shelf boundary between the Oriental Republic of Uruguay and the Argentine Republic are defined by an equidistant line, determined by the adjacent coasts methods, which begins at the midpoint of the baselines consisting of an imaginary straight line that joins Punta del Este (Uruguay) and Punta Rasa del Cabo San Antonio (Argentina).

Chapter XV
Article 72

Both Parties guarantee the freedom of navigation and overflight of the seas under their respective jurisdictions seaward of 12nm measured from the corresponding baselines, and, in the mouth of the Rio de la Plata beginning at its outer limit, without restrictions other than those deriving from the exercise by each party of its powers with regard to exploration, conservation, and exploitation of resources, protection and preservation of the environment, scientific research, and construction and emplacement of installations, and of those powers referred to in Article 86.

Chapter XX
Article 85

Questions relating to the defense of the entire focal area of the Plata River shall be in the exclusive jurisdiction of the Parties.

MARITIME BOUNDARY: ARGENTINA--CHILE

Treaty Defining the Boundaries between the Two Countries, excerpts, 1881

III. Tierra del Fuego is divided by a line starting from Cape Espiritu Santo at latitude 52° 40' S, and following longitude 68° 34' W to Beagle Channel. Divided thus, Tierra del Fuego is Chilean to the west and Argentine to the east. In regard to the other islands, Isla de los Estados belongs to [Argentina], with the islets next it, and the other islands in the Atlantic and east of Tierra del Fuego and the coasts of Patagonia; while to Chile belong all the islands south of Beagle Channel down to Cape Horn, and those west of Tierra del Fuego.

V. Magellan's Straits are neutralized forever, and free navigation is guaranteed to the flags of all nations. To insure this liberty and neutrality no fortifications or military defenses shall be erected that could interfere with this object.

Treaty of Friendship, excerpts, 1984

Maritime Delimitation Article 7

Within the sea in the Southern Region, the boundary line between the respective sovereignties over the sea, land and subsoil of the Argentine Republic and the Republic of Chile, parting from the termination of the delimitation already existing in the Beagle Channel, that is to say the point set by the coordinates of 55° 7' 3" of latitude South and 66° 25' 0" of longitude West, shall be a line joining the following points as indicated below:

Starting from the point set by the coordinates of 55° 07' 3" S and 66° 25' 0" W (Point A), a loxodromic line shall be drawn towards the South East until it reaches a point situated between the coast of Isla Nueva and the Isla Grane de Tierra del Fuego, whose coordinates are 55° 11' 0" S, 66° 4' 7" W (Point B); from there, the line shall continue in a South Easterly direction at an angle of 45 degrees measured from the aforementioned Point B, and shall be prolonged until reaching a point whose coordinates are 55° 22' 9" S, 65° 43' 6" W (Point C); continuing directly towards the South along the aforementioned meridian until reaching the parallel 56° 22' 8" S (Point D); from there it shall continue along this parallel situated 24 marine miles to the South of the southernmost tip of Horn Island toward the West until it intersects to the meridian corresponding to the southernmost tip of Horn Island at the coordinates of 56° 22' 8" S, 67° 16' 0" W (Point E). From there, the boundary line shall continue towards the South until it touches the point whose coordinates are 58° 21' 1" S, 67° 16' 0" W (Point F).

The Exclusive Economic Zones of the Argentine Republic and of the Republic of Chile shall extend, respectively, to the East and to the West of the boundary line thus described.

To the South of the final point of the boundary (Point F), the [EEZ] of [Chile] shall be prolonged as far as International Law allows, to the West of the meridian of 67° 16' 0" W, and shall border to the East with the high seas.

Article 8

The Parties agree that, within the area comprised between Cape Horn and the easternmost portion of Staten Island, the legal effects of the territorial sea shall be restricted in their mutual relations to three marine miles, measured from their respective baselines.

Within the area indicated above each Party may invoke the maximum breadth of territorial sea allowed by International Law in regard to third Party States.

Article 10

[Argentina and Chile] agree that at the eastern extremity of the Straits of Magellan, determined by Pont Dengeness in the North and the Cape of Espiritu Santo in the South, the boundary line between their respective jurisdictions shall be a straight line joining the "Boundary Mark Ex-Beacon Point Dungeness" situated at the tip of said geographic accident, and "Boundary Marker I Cape Espiritu Santo" in Tierra del Fuego.

The sovereignty of [Argentina and Chile] over the sea, land and subsoil shall extend respectively, to the East and to the West of this boundary line. The delimitation agreed upon herein, in no way affects the provisions of the Boundary Treaty of 1881, according to which the Straits of Magellan are perpetually neutralized and freedom of navigation is assured to ships of all flags under the terms of Article 5 of said Treaty.

[Argentina] assumes the obligation to maintain, at all times and under any circumstances, the right of ships of all flags to navigate expeditiously and without obstacles through its jurisdictional waters towards and away from the Straits of Magellan.